

Remarks

35 U.S.C. 103(a) Rejections of Claims 48, 49, 52, 53, 56, 57 and 61. With respect to the Examiner's rejections of the referenced claims as being unpatentable over Gago (US 4,470,839), the Applicant reiterates the arguments made in Applicant's Amendment D dated 6 January 2005 with regard to claims 48-61 and again refers the Examiner to the previously allowed claims 21-38.

The Examiner states in the Office Action dated 6 April 2005:

"Gago fails to teach a combination of sodium hexametaphosphate and sodium trimetaphosphate or the addition of another polyphosphate. However, no unobviousness is seen in this difference given that Gago teaches that the preferred phosphates are polyphosphates and metaphosphates, that the preferred alkali metal is sodium and that a mixture of the phosphates may be employed. Clearly, Gago suggests the claimed mixture of phosphates."

The Examiner also notes that:

"...the prior art [i.e., Gago et al.] fails to teach a source of inorganic nitrogen (nitrates), an organic and inorganic disintegrant, a metal catalyst and *a lubricant*...." [emphasis added].

Both claim 21, as presently allowed by the Examiner, and claim 48, as previously rejected by the Examiner, claim a composition comprising calcium peroxide and/or magnesium peroxide, sodium hexametaphosphate and sodium trimetaphosphate. Both claims 21 and 48 contain the same amounts by weight of these components. The Applicant notes that the composition of claim 21, in addition to the claimed mixture of multiple complex phosphates, also contains a lubricant and a disintegrant in accordance with the "4 Series" composition described in the examples of the Applicant's original specification. Ostensibly the Examiner's allowance of claim 21 recognizes that the prior art fails to teach the composition of claim 21 that includes a disintegrant and a lubricant as additional components of the composition.

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Based on the foregoing, the Applicant has amended claim 48 herein by including additional limitations so as to more closely reflect the "5 Series" composition described in the examples of the Applicant's original specification. Specifically, the Applicant has amended the initial description of the composition with the limiting language from claim 61: "...[a] solid-chemical composition *prepared in the form of granules, briquettes, tablets, capsules, pellets, and any combinations thereof*" (emphasis added). In addition, the Applicant has included as component "d" of the amended composition of claim 48 a lubricant in accordance with the scope and limitations of claim 61. It should be noted that based on trial and error in the development process (described in some detail in the Applicant's Rule 132 Declaration filed on 24 September 2003), the inventor found that the inclusion of the lubricant component, e.g., magnesium stearate in the case of the "Series 5" composition, was critical to the preparation of the claimed composition which exhibited the characteristics described in the examples of the specification as well as in the Rule 132 Declaration. Accordingly, the amendment of claim 48 so as to include the limiting language of claim 61 is provided so as to be consistent with the Applicant's prior disclosures, to wit, that it is believed that the lubricant component is only critical for the preparation of the composition in the said forms of granules, briquettes etc. As the Examiner has noted that the inclusion of such a lubricant in the composition is free of the prior art, and given the allowance of the composition of claim 21, it stands to reason that the composition of claim 48, as amended herein, should traverse the Examiner's prior grounds for rejection and hence be in condition for allowance.

As the scope and limitations of claims 60 and 61 have been incorporated into claim 48 as amended herein, both claims 60 and 61 are canceled.

Given that the rejected claims 49, 52, 53, 56, and 57 are dependent on claim 48, as the Applicant's amendment of claim 48 is believed to place it in condition for allowance, the allowance of claim 48 (as amended herein) should render moot the objections to these dependent claims. This is consistent with the logic that the Examiner has allowed claims 22, 25, 26, 30 and 31, each of which is dependent on allowed claim 21.


Objection to Claims 50, 51, 54, 55, 58, 59 and 60. First, as noted above, claim 60 has been canceled. Again, the Examiner's objection to the above-referenced claims is based on the fact that these claims are dependent upon a rejected base claim, i.e., the former language of claim 48. Accordingly, by amending claim 48 herein so as to place it in condition for allowance, the Applicant believes the grounds for the objection to the referenced dependent claims has been rendered moot and that these claims are now in condition for allowance.

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Conditional Request for Constructive Assistance

It is the Applicant's belief that this Amendment provides a complete response to the Examiner's Office Action mailed 6 April 2005. The Applicant also submits that the pending claims as set forth herein define the subject matter of the present invention in a manner that is proper, definite and distinguishable over the prior art. If, for any reason, this response is not deemed complete or this application is not believed to be in full condition for allowance, the Applicant respectfully requests the constructive assistance and suggestions of the Examiner pursuant to MPEP § 2173.02 and § 707.07(j) in order that the undersigned can place this application in allowable condition as soon as possible and without the need for further proceedings.

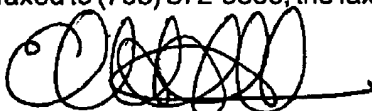
Very respectfully,



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Certificate of Facsimile: I certify that on the date below, this document and referenced attachments, if any, have been faxed to (703) 872-9306, the fax number provided by the Examiner.



4 August 2005

Eric Christian Hince, Applicant